

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**RAY RUFFIN,
ADC #89703**

PLAINTIFF

V.

Case No. 5:15CV00011 JM/BD

DEBRA YORK, et al.

DEFENDANTS

ORDER

Defendants Felix and Felix Limb and Brace Company (“FLBC”) have filed a motion to dismiss the remaining claims in this lawsuit, arguing Mr. Ruffin’s only remaining claims are state claims. (Docket entry #65) They urge the Court to refrain from exercising jurisdiction over state claims since all federal claims have been dismissed.

Defendants are mistaken. Judge Moody determined that Mr. Ruffin adequately stated a constitutional deliberate-indifference claim against Defendants Felix and FLBC. (#8) The motion to dismiss (#65), therefore, is denied.¹

Meanwhile, Mr. Ruffin has filed two motions to compel (#64 & #68). In the first motion, Mr. Ruffin requests a copy of his November 2015 deposition; asks to review his medical history dating back to his first visit with Defendant Felix; and requests a copy of Defendant Felix’s policies, practices and “prior records.” In a second motion to compel,

¹ If Defendants contend and can establish that they are not state actors for purposes of § 1983, they may file a properly supported motion on the issue.

Mr. Ruffin requests an order requiring the Department of Correction to release the deposition. Defendants have not responded to either motion to compel.

His motions to compel (#64 and #68) are granted in part and denied in part. Defendants must provide Mr. Ruffin a copy of any medical records maintained in their offices, as well as a copy of any written policies. It is unclear what Mr. Ruffin seeks in his request for “prior records,” so that part of his motion is denied.

It is also unclear from Mr. Ruffin’s motions whether Defendants have declined to send him a copy of his deposition or whether Defendants have sent the deposition but ADC regulations prevent Mr. Ruffin from having a copy. If a copy of the deposition is at the ADC, Mr. Ruffin should be permitted to review it in the law library. Further, Mr. Ruffin must be allowed to review his ADC medical file. The Clerk is directed to send a copy of this order to the Warden and the Supervisor of the Law Library at the Varner Unit, Post Office Box 600, Grady, Arkansas 716644-0600.

IT IS SO ORDERED this 18th day of December, 2015.


UNITED STATES MAGISTRATE JUDGE